

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

BRUCE LYNN BANKS

PLAINTIFF

V.

3:08CV00088 BSM/HDY

JACK McCANN, Sheriff, Craighead County; JOHN SMITH, Administrator, Craighead County Detention Center; AARON DAVIS, Assistant Administrator, Craighead County Detention Center; JOHN SPARKS, Chief Jailer, Craighead County Detention Center; and STEVE METCALF, Medical Supervisor, Craighead County Detention Center

DEFENDANTS

ORDER

Plaintiff, who was being held at the Craighead County Detention Facility, initiated this 42 U.S.C. §1983 action by filing a complaint raising claims of inadequate medical care. In an Order dated June 25, 2008 (Doc. No. 2), the court directed plaintiff to submit an *in forma pauperis* application and an amended complaint containing certain specifically-requested information concerning the nature of his claims. Plaintiff was given thirty days in which to file these pleadings and was specifically cautioned of the requirements of Local Rule 5.5(c)(2).

Local Rule 5.5(c)(2) provides that if any communication from the court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice.

More than thirty days have passed since the entry date of that order, and plaintiff has not responded to the court's order. Under these circumstances, the court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) ("District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.")

IT IS THEREFORE ORDERED that Plaintiffs's claims be and they are hereby DISMISSED WITHOUT PREJUDICE.

DATED this 29th day of September, 2008.


UNITED STATES DISTRICT JUDGE